

ORDINANCE _____

AN ORDINANCE relating to the purchase of approximately 2.7 acres of property of the Northgate Mall South Lot; authorizing execution of a Purchase and Sale Agreement and acceptance of a Limited Warranty Deed for such property; placing such property under the jurisdiction of Seattle Public Utilities; adding a project for the development of a Thornton Creek Water Quality Channel Project to the 2004-2009 Adopted Capital Improvement Program (CIP) for the Drainage and Wastewater Fund; and increasing the 2004 appropriation to Seattle Public Utilities with respect to the property purchase.

WHEREAS, Ordinance 121358 authorizing the execution of the Northgate Mall Development Agreement between Simon Property Group L.P. ("Simon") and the City of Seattle ("City") establishes the terms of Simon's agreement to convey approximately 2.7 acres of property (Parcel B) in the vicinity of Northgate Mall to the City in partial satisfaction of Simon's obligations under that agreement; and

WHEREAS, the City's option to purchase Parcel B for \$375,000 expires in December 2004; and

WHEREAS, the terms of the City's purchase of Parcel B require the City to use Parcel B (or a comparable amount of square footage within the Northgate Overlay District) as open space and stormwater improvements, which may be natural systems drainage projects or other stormwater improvements to benefit Thornton Creek; and

WHEREAS, if after purchasing Parcel B, the City elects to sell or transfer a portion of parcel B and does not choose to maintain Parcel B or its equivalent for open space and stormwater improvements, the City must pay Simon the greater of \$35 per square foot or the proceeds realized from the sale or transfer of any acreage not maintained in the required usage; and

WHEREAS, the City agreed that it will convey Parcel B to Simon if after five years from the effective date of the agreement, no open space, natural drainage, stormwater improvements or other allowable development has occurred on Parcel B; and

WHEREAS, acquisition of the property affords the City significant opportunities to manage stormwater runoff from approximately 670 acres in the Thornton Creek watershed, improve water quality in Thornton Creek, and provide new public open space amenities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor or his designee is authorized to purchase the following described property from Northgate Mall Partnership at the value of Three Hundred Seventy Five Thousand Dollars (\$375,000):

1 That portion of the southeast quarter of the northeast quarter of the northwest quarter of Section
2 32, Township 26 North, Range 4 East, W.M., in King County, Washington described as follows:

3 Commencing at the intersection of the west line of said subdivision and the south line of the
4 north 30.00 feet thereof, said south line being the south margin of northeast 103rd Street, thence
5 south 88°15'44" east 446.63 feet along said south margin to the true point of beginning;
6 thence south 01°44'16" west 461.07 feet;
7 thence south 28°12'43" west 154.29 feet to the north line of the south 33.00 feet of said
8 subdivision, said north line being the north margin of Northeast 100th Street;
9 thence south 88°16'22" east 265.35 feet along said north margin to the west line of the east 30.00
10 feet of said subdivision, said west line being the west margin of 5th Avenue Northeast;
11 thence north 00°40'03" east 278.09 feet along said west margin to an angle point therein;
12 thence along said west margin the following three courses:
13 thence north 89°19'57" west 4.50 feet;
14 thence north 00°40'03" east 298.66 feet to the beginning of a curve concave southwesterly
15 having a radius of 23.00 feet;
16 thence northerly, northwesterly and westerly 35.70 feet along said curve through a central angle
17 of 88°55'47" to a point of tangency on said south margin of Northeast 103rd Street;
18 thence north 88°15'44" west 158.30 feet along said south margin to the true point of beginning.

11 The parcel described above contains 117,617 square feet (2.700 acres), more or less,
12 situated in the City of Seattle, King County, Washington.

13 Section 2. The Mayor or his designee is authorized to execute such documents as he deems
14 necessary or desirable to accomplish the acquisition of the Property in accordance with the terms and
15 conditions of the Purchase and Sale Agreement attached hereto as Exhibit A. Upon delivery of the
16 Limited Warranty Deed for the Property, in form and content acceptable to the Mayor, the Mayor is
17 authorized to accept the deed on behalf of the City by attaching to the deed his written acceptance
18 thereof, and to record the same.

19 Section 3. The acquisition shall be funded through the appropriation made in Section 4 below
20 and the above-described real property shall be placed under the jurisdiction of Seattle Public Utilities.

21 Section 4. The 2004-2009 Adopted Capital Improvement Program (CIP) for the Drainage and
22 Wastewater Fund is amended to include Project C343306 – Thornton Creek Water Quality Channel
23 Project – to be partially funded by the appropriation made in Section 5 below. CIP Project C343306
24

constitutes a system or plan of additions to, or betterments of extensions of, the Drainage and Wastewater System.

Section 5. In order to pay for necessary costs and expenses for which insufficient appropriations were made, the appropriation for the following in the 2004 Budget is increased from the fund shown, as follows:

Fund	Department	Budget Control Level	Amount
Drainage & Wastewater (44010)	Seattle Public Utilities	Protection of Beneficial Uses (C333)	\$400,000
TOTAL			\$400,000

Section 6. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

Attachment 1: Purchase and Sale Agreement between Seller: Northgate Mall Partnership and Buyer:
The City of Seattle

Exhibit A to Attachment 1: Legal description

Exhibit B to Attachment 1: Form of limited warranty deed